

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
AUGUST 8, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor La Monte called the meeting to order at 6:34 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Lou La Monte; Mayor Pro Tem Skylar Peak; and Councilmembers Joan House, Laura Rosenthal and John Sibert

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, Acting City Clerk; Craig George, Environmental Sustainability Director; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Matt Myerhoff, Media Information Officer; Rob DuBoux, Assistant Public Works Director; Arthur Aladjadjian, Public Works Superintendent; and Travis Hart, Senior Public Works Inspector

PLEDGE OF ALLEGIANCE

Kelly Meyer led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to approve the agenda, adjourning in memory of former Parks and Recreation Director Bob Stallings.

In response to Councilmember House, City Manager Feldman stated the flag would be lowered for a week in memory of former Parks and Recreation Director Bob Stallings.

The motion carried unanimously by acclamation.

REPORT ON POSTING OF AGENDA

Acting City Clerk Glaser reported that the agenda for the meeting was properly posted on July 29, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Administration of Oath of Office to Mayor Pro Tem Peak

Robert Thurman swore in Skylar Peak as Mayor Pro Tem.

B. Presentation of City Tile to Travis Hart, Senior Public Works Inspector, for Seven Years of Service to the City

Mayor La Monte presented a City tile to Senior Public Works Inspector Hart.

Senior Public Works Inspector Hart thanked the Council and staff for its support.

ITEM 2.A. PUBLIC COMMENTS

Los Angeles County Fire Department (LACFD) Battalion Chief Mark Collett, discussed live fuel moisture in the mountains and the Ready, Set, Go! program to preplan for wildfires. He stated fire prevention started with the community.

In response to Councilmember Rosenthal, LACFD Battalion Chief Collett stated each fire station started brush inspections in May. He discussed the response from other agencies within the City.

Mayor La Monte thanked LACFD Battalion Chief Collett for his service.

Dave Rydman, Waterworks District 29, discussed conservation in June 2016 and the urban water management plan.

Corinne Denson invited the Council to view the documentary *Vaxxed* on August 22, 2016, at 7:30 p.m., at the Regency Theater in Agoura Hills. She presented a trailer for the documentary.

Sandra Provencio discussed vaccinations and Dr. Wakefield.

Richard Robertson discussed the 3.5-foot access gate at 24038 Malibu Road installed by the Mountains Recreation Conservation Authority (MRCA). He stated the gate should be 7.5 feet high.

Joy Dupuis discussed SB 277 and SB 792 regarding vaccinations.

Mike Harriel, Southern California Gas Company Public Affairs Manager, stated 60% of electricity consumed in the region was generated by natural gas, 90% of which came from out-of-state. He encouraged everyone to visit www.ConserveEnergySoCal.com to better understand the relationship between electricity and natural gas.

Joseph was not present at the time of the hearing.

Pam was not present at the time of the hearing.

ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES

City Manager Feldman introduced Assistant City Manager Lisa Soghor and congratulated Senior Public Works Inspector Hart. She discussed recent theft from the blue United States Postal Service drop boxes and encouraged the community to take their mail directly to the Post Office. She stated her thoughts and prayers were with the Stallings family.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Rosenthal stated she had a wonderful relationship with former Parks and Recreation Director Stallings. She stated she attended a Los Angeles County Library Commission meeting, a Malibu Area Conservation Coalition (MACC) meeting, and a Joint Powers Insurance Authority (JPIA) meeting. She announced the next Pacific Coast Highway (PCH) Task Force meeting on August 17, 2016, and the next Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting on August 9, 2016. She stated the City's Student Intern Program application period was August 11 through September 9, 2016. She announced the next Malibu Library Speaker Series event on August 30, 2016. She congratulated Mayor Pro Tem Peak and Senior Public Works Inspector Hart.

In response to Councilmember Rosenthal, Planning Director Blue stated the coastal development permit for 24038 Malibu Road, approved by the Planning Commission and appealed to and approved by the City Council, was for a gate height of 42 inches. Councilmember Rosenthal and Councilmember House requested information on alternatives to the current gate height.

Mayor Pro Tem Peak thanked LACFD Battalion Chief Collett and Senior Public Works Inspector Hart. He stated he was a former Parks and Recreation Commissioner and had the opportunity to work with then Parks and Recreation Director Stallings. He stated his prayers were with the Stallings family.

Councilmember House congratulated Senior Public Works Inspector Hart. She discussed the importance of brush clearance. She discussed former Parks and Recreation Director Stallings.

Councilmember Sibert stated former Parks and Recreation Director Stallings was instrumental in creating the three parks the City had built in the past eight years. He congratulated Mayor Pro Tem Peak. He discussed stormwater and sea level rise.

Mayor La Monte thanked Senior Public Works Inspector Hart. He stated former Parks and Recreation Director Stallings would be missed and that his thoughts and prayers were with the Stallings family. He discussed the Sheriff's Liability Trust Fund. He stated he attended a Los Angeles County Commission on Alcohol and Other Drugs meeting, a California Contract Cities Association (CCCA) strategic planning meeting, an Administration and Finance Subcommittee meeting, the Sheriff's Appreciation Day at the Malibu/Lost Hills Sheriff's Station, and the League of California Cities Los Angeles Division Officer Installation Ceremony.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Rosenthal moved and Councilmember Sibert moved to approve the consent calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 47902-48190 listed on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 577 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$2,193,323.34. City of Malibu payroll check numbers 4680-4687 and ACH deposits were issued in the amount of \$331,675.95.

3. Approval of Minutes

Recommended Action: Approve the minutes for the June 27, 2016 Regular City Council meeting and July 11, 2016 Regular City Council meeting.

4. Amendment to Agreement with Cotton, Shires & Associates to Provide Professional Consulting Geology Services

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to Agreement with Cotton, Shires & Associates to update the Scope of Work and Cost Schedule, and to allow for a two-year extension of the existing agreement through June 30, 2018.

5. Records Retention Schedules

Recommended Action: Adopt Resolution No. 16-36 adopting records retention schedules, authorizing the destruction of certain City records, and

- repealing Resolution Nos. 14-39 and 15-16.
6. Job Specifications for Financial Analyst, Information Systems Manager, Human Resources Technician and Human Resources Manager
Recommended Action: Adopt Resolution No. 16-37 approving the job specifications for Financial Analyst, Information Systems Manager, Human Resources Technician and Human Resources Manager.
 7. Approval of Final Parcel Map No. 24070
Recommended Action: Adopt Resolution No. 16-38 approving Final Parcel Map No. 24070, Assessor Parcel Number 4469-026-005 on Pacific Coast Highway, for recordation.
 8. Amendment to Agreement with MNS Engineers, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with MNS Engineers, Inc. to extend the term of the Agreement for professional land surveying services.
 9. Amendment to Agreement with Kimley-Horn and Associates, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. to extend the term of the Agreement for professional traffic engineering services.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Speed Limits Ordinance

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 408 amending Chapter 10.08 (Speed Limits) of the Malibu Municipal Code to establish speed limits on City streets; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 408 for the August 22, 2015 Regular City Council meeting.

Public Works Director Brager presented the staff report.

MOTION

Councilmember Sibert moved and Mayor Pro Tem Peak seconded a motion to: 1) introduce on first reading Ordinance No. 408 amending Chapter 10.08 (Speed Limits) of the Malibu Municipal Code to establish speed limits on City streets; and 2) direct staff to schedule second reading and adoption of Ordinance No. 408 for the August 22, 2015 Regular City Council meeting. The motion carried unanimously.

B. Purchase of ≈35-acres located at Trancas Canyon Road and Pacific Coast Highway (APN 4470-012-045) (commonly known as Trancas Field); Resolution of *Trancas PCH v. City of Malibu*, LACSC Case No. 145311

Recommended Action: 1) Identify the source of funds to complete the purchase; and 2) Approve the terms for the resolution of the lawsuit, including the final

settlement agreement and the related purchase and sales agreement subject to editorial non-substantive changes approved by the City Attorney.

City Attorney Hogin presented the staff report. She discussed the 25 years she had spent defending the City in the case.

City Manager Feldman thanked City Attorney Hogin for her work on the case. She stated the best option was to move forward with issuing Certificates of Participation (CoPs) for financing the full purchase price. She stated she would return with a reimbursement resolution.

John Mazza stated the property purchase was a great opportunity for the City. He discussed an adjacent property the City should acquire.

Patt Healy thanked the Council for considering the property purchase.

Councilmember Rosenthal discussed Trancas Town, and thanked City Attorney Hogin and Ms. Healy.

MOTION

Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to: 1) authorize the City Manager to return to Council to approve the issuance of COPs in the amount of the full purchase price of \$11,377,000 for ≈35 acres located at Trancas Canyon Road and Pacific Coast Highway (APN 4470-012-045) (commonly known as Trancas Field); and 2) approve the terms for the resolution of the lawsuit *Trancas PCH v. City of Malibu*, LACSC Case No. 145311, including the final settlement agreement and the related purchase and sales agreement subject to editorial non-substantive changes approved by the City Attorney.

Mayor Pro Tem Peak discussed the need for open space in the west end of town.

Councilmember Sibert indicated support for the item.

Councilmember House thanked City Attorney Hogin for her hard work in the matter.

City Attorney Hogin clarified the Council action authorized the purchase of the property.

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

- A. Point Dume Traffic Calming Improvements Action Suspension
Recommended Action: Suspend the March 14, 2016 City Council action

regarding Point Dume Traffic Calming Improvements to require removal of landscape encroachments, with the exception of mature trees, by private property owners into the public right-of-way, pending the results of the Point Dume Traffic Plan Survey and additional community and Council input. City Manager Feldman presented the staff report.

James Boyd questioned whether additional parking on the Point would be traffic calming. He requested the action be rescinded.

Matt Rapf discussed the neighborhood consensus for speed humps on Grayfox Street. He indicated opposition to encroachment removal on Point Dume and requested the action be rescinded.

Laureen Sills indicated opposition to encroachment removal on Point Dume. She requested the action be rescinded and that the Council create a Point Dume Task Force with two members from each street.

John Mazza deferred his time to Jeff Mazzarella.

Jeff Mazzarella stated residents on the Point were interested in retaining the rural feeling of the community. He stated the survey should be shelved and the action rescinded.

Mark DiPaola discussed his code enforcement case.

Anita Miles requested the action be rescinded.

Peggy Hall Kaplan deferred her time to Sam Hall Kaplan.

Sam Hall Kaplan requested the action be rescinded and the survey shelved.

Clifford Selbert stated any change that favored cars over people was a mistake and stated the action should be rescinded.

Paul Moore was not present at the time of the hearing.

Sharon Richstone deferred her time to Don Richstone.

Carrie Ostrom deferred her time to Don Richstone.

Jefferson Wagner deferred his time to Don Richstone.

Don Richstone stated Mr. DiPaola's case was about encroachment. He stated the Council was interested in more parking and that the action should be rescinded.

Sam Seelig stated there needed to be speed humps on Grasswood Avenue. He

stated the removal of encroachments on Point Dume would create more traffic.

Dawn Stevens indicated opposition to encroachment removal on Point Dume.

RECESS Mayor La Monte called a recess at 8:36 p.m. The meeting reconvened at 8:39 p.m. with all Councilmembers present.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to rescind the March 14, 2016 City Council action regarding Point Dume Traffic Calming Improvements to require removal of landscape encroachments, with the exception of mature trees, by private property owners into the public right-of-way.

Mayor Pro Tem Peak discussed the history of Point Dume traffic. He stated it was not the intention of the Council to add parking on the Point. He discussed the removal of encroachments on Busch Drive.

Councilmember Sibert stated he was not in favor of vegetation removal in the public right-of-way. He stated Point Dume should be looked at one street at a time.

Councilmember House indicated support for a Point Dume Task Force. She stated the City was liable for easements.

Councilmember Rosenthal stated the idea of encroachment removals originated with two Point Dume residents. She stated the goal was public safety and that the residents of Point Dume should make recommendations for individual streets.

Mayor La Monte stated the residents in favor of encroachment removal were afraid to come forward and speak in public. He indicated support for rescinding the previous City Council action.

The question was called and the motion carried unanimously.

ITEM 6 NEW BUSINESS

- A. Whether the City may declare the use of caulking/building materials containing polychlorinated biphenyls (PCBs) a nuisance under the Malibu Municipal Code and require that the Santa Monica-Malibu Unified School District (SMMUSD) conduct additional tests for the presence of PCBs and abate such nuisance conditions on its properties within the City

Recommended Action: 1) Receive and file this report; and 2) Decide whether to engage special counsel for a more extensive analysis.

City Attorney Hogin presented the staff report.

Steve Massietti deferred his time to Carey Upton.

Gail Pinsker deferred her time to Carey Upton.

Carey Upton, SMMUSD Interim Director of Facility Improvement Projects, discussed the improvements scheduled for SMMUSD sites. He stated post-removal testing would be done for PCBs on all remaining materials.

Kevin Shenkman, on behalf of SMMUSD Board Member de la Torre, stated the City Council was the fact finder in nuisance abatement proceedings and that a court would have to give deference to the facts found by the City.

Craig Foster, SMMUSD Board Member, thanked the Council for its ongoing attention. He stated the potential or actual presence of PCBs in Malibu schools was unacceptable. He requested the Council reiterate its deep concern over the unnecessary burden to the Malibu community and reserve legal investigation as a future option.

Jennifer deNicola stated there was proof of contamination. She stated her daughter and several Malibu children were now enrolled at Oak Park High School.

Matt deNicola stated the work SMMUSD planned to do would not remove all PCBs.

In response to Mayor Pro Tem Peak, Mr. Upton stated PCBs were tested for in the district as renovations were undertaken. Mayor Pro Tem Peak questioned why other Malibu schools had not been tested for PCBs and why the issues had not been addressed earlier.

In response to Councilmember Rosenthal, Mr. Upton stated the windows, paint, floors, and doors project had to go through the Division of State Architects. He stated remediation of Webster Elementary School was scheduled for 2017 and Point Dume Marine Science School was scheduled for 2018 or 2019. Mr. Massietti stated SMMUSD could not take all elementary schools offline in the same summer.

Councilmember Sibert discussed the amount of money SMMUSD had spent on defending the reason nothing had been done rather than testing to know what toxins were actually present.

In response to Councilmember House, Mr. Upton stated the SMMUSD had followed the EPA guidelines for the schedule of testing. He stated early testing could show PCBs at schools that had not yet been tested, which would force SMMUSD to move students out of classrooms more quickly.

City Attorney Hogin suggested engaging California Strategies in garnering the direct attention of the EPA on the matter.

Mayor La Monte stated the question was whether the other two schools were contaminated.

Councilmember Sibert stated that EPA Region 9 had as yet been unresponsive on the matter.

Councilmember House indicated support for a definitive plan of action.

CONSENSUS

By consensus the Council directed the City Manager and City Attorney to: 1) develop a plan to contact EPA Region 9 regarding testing for PCBs at Malibu school sites; and 2) bring back an item at the September 12, 2016 Regular City Council meeting outlining the results of those efforts and possible legal options should the EPA be reluctant to intervene.

ITEM 7 COUNCIL ITEMS

- A. Designation of Voting Delegate and Alternative Voting Delegate for the 2016 League of California Cities Annual Conference
Recommended Action: Designate the City's voting delegate and alternate voting delegate for the League of California Cities 2016 Annual Conference scheduled for October 5-7, 2016, in Long Beach.

MOTION Councilmember House moved and Councilmember Rosenthal seconded a motion to nominate Mayor La Monte as the voting delegate and Mayor Pro Tem Peak as the alternate voting delegate for the League of California Cities 2016 Annual Conference scheduled for October 5-7, 2016, in Long Beach. The motion carried unanimously.

- B. Ban on All Plastic Food Storage and Serving Products (Mayor Pro Tem Peak)
Recommended Action: At the request of Mayor Pro Tem Peak, consider directing staff to bring back an ordinance to amend the Malibu Municipal Code to ban all plastic food storage and serving products and require all food vendors in the City to use only food packaging and serving products made from biodegradable materials.

Tim James, California Grocers Association, discussed the operator perspective, health and safety concerns, and ultimate disposal options.

Mayor Pro Tem Peak stated he would like to continue the item to a later date.

Councilmember House requested more information on health and safety.

Councilmember Sibert requested composting options.

Councilmember Rosenthal requested more information on what other communities of similar size had done. She requested Councilmember Sibert provide information on what other Las Virgenes-Malibu Council of Government members were doing.

CONSENSUS

By consensus the Council continued consideration of directing staff to bring back an ordinance to amend the Malibu Municipal Code to ban all plastic food storage and serving products and require all food vendors in the City to use only food packaging and serving products made from biodegradable materials, pending further information on health and safety and the efforts of surrounding communities.

ADJOURNMENT

At 9:55 p.m. Mayor La Monte adjourned the meeting in memory of former Parks and Recreation Director Bob Stallings.

Approved and adopted by the City Council of the
City of Malibu on September 12, 2016.



LOU LA MONTE, Mayor

ATTEST:



HEATHER GLASER, City Clerk
(seal)